

**Appl. No.** : **10/608,541**  
**Filed** : **June 27, 2003**

### **REMARKS**

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. Amendments are made to the specification in accordance with the request of the Office Action. The amendments to the specification do not add new matter.

#### Continuation Data

The Office Action requests that the continuation data recited at page 1, paragraph 1, be updated. Applicants have amended paragraph 1 of page 1 to indicate that U.S. patent application Ser. No. 09/664,945, filed on Sep. 19, 2000, to which the present application claims priority, is now U.S. Pat. No. 6,660,842. Typographical errors have also been corrected. By such amendments, the disclosed continuation data is up to date.

#### Objection to the Title

The Office Action objects to the title as not descriptive. Applicants have amended the title to indicate that the ligand/receptor specificity exchangers are glycosylated and are specific for bacterial adhesion receptors. Applicants submit that the present title, as amended, is clearly indicative of the claimed subject matter.

#### Rejection Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1-21 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims from U.S. Pat. Nos: 5,869,232, 6,040,137, 6,469,143 and 6,660,842. Claims 1-21 also stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims from U.S. App. Serial No: 09/664,945.

Regarding the obviousness-type double patenting rejections over claims from U.S. Pat. Nos: 5,869,232, 6,040,137, 6,469,143 and 6,660,842, Applicants submit herewith a Terminal Disclaimer under C.F.R. §1.321(c) which disclaims any term beyond that U.S. Pat. Nos: 5,869,232, 6,040,137, 6,469,143 and 6,660,842. As indicated in the Office Action, and in 37

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C.F.R. §1.130(b) and MPEP §804, this Terminal Disclaimer overcomes these rejections. Accordingly, Applicants respectfully request that the Examiner remove this ground for rejection of the claims.

Regarding the provisional obviousness-type double patenting rejection over U.S. App. Serial No: 09/664,945, Applicants direct the Examiner's attention to the amendment to the specification updating the continuity data in the first paragraph of the specification. This paragraph states that U.S. App. Serial No: 09/664,945 is now U.S. Pat. No. 6,660,842. The claims stand rejected under obviousness-type double patenting over U.S. Pat. No. 6,660,842. Accordingly, the provisional obviousness-type double patenting rejection of the underlying application is moot.


#### **CONCLUSION**

In view of the above, Applicants respectfully maintain that claims are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues may be resolved by telephone.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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